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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,735	07/26/2001	Laure Dumoutier	LUD 5734 (10105486)	7869

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EXAMINER

JIANG, DONG

ART UNIT PAPER NUMBER

1646

DATE MAILED: 09/20/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,735

Applicant(s)

DUMOUTIER ET AL.

Examiner

Dong Jiang

Art Unit

1646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-25 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-3, drawn to an isolated complex of an IL-22R and an IL-20R- β , classified in class 530, subclass 350.
- II. Claims 4-7, and 17-19, drawn to a method for inhibiting effect of IL-22 with an antibody, classified in class 424, subclass 130.1.
- III. Claims 4, 6-8, and 17-19, drawn to a method for inhibiting effect of IL-22 with a soluble IL-10R- β (20 ?), classified in class 514, subclass 2.
- IV. Claims 4, 6-8, and 17-19, drawn to a method for inhibiting effect of IL-22 with a soluble IL-22R, classified in class 514, subclass 2.
- V. Claims 4, 6, 7, 9, and 17-19, drawn to a method for inhibiting effect of IL-22 with a mutant of IL-19, classified in class 424, subclass 85.2.
- VI. Claims 4, 6, 7, 9, and 17-19, drawn to a method for inhibiting effect of IL-22 with a mutant of mda-7, classified in class 424, subclass 85.2.
- VII. Claims 10-14, drawn to a method for inhibiting effect of IL-20 with an antibody, classified in class 424, subclass 130.1.
- VIII. Claims 15 and 16, drawn to a method for determining a substance having epidermal cell proliferation inhibition activity, classification depending upon the chemical entity of the substance.
- IX. Claim 20, drawn to a method for identifying a molecule modulating activity of IL-20 of a cell expressing IL-22R and IL-R β , classification depending upon the chemical entity of the molecule.
- X. Claim 20, drawn to a method for identifying a molecule modulating activity of mda-7 of a cell expressing IL-22R and IL-R β , classification depending upon the chemical entity of the molecule.

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- XI. Claim 21, drawn to a method for identifying a molecule modulating activity of IL-19 of a cell expressing IL-20R α and IL-20R β , classification depending upon the chemical entity of the molecule.
- XII. Claim 21, drawn to a method for identifying a molecule modulating activity of mda-7 of a cell expressing IL-20R α and IL-20R β , classification depending upon the chemical entity of the molecule.
- XIII. Claims 22 and 23, drawn to a method for inhibiting effect of IL-19 and mda-7 with an antibody, classified in class 424, subclass 130.1.
- XIV. Claims 22 and 24, drawn to a method for inhibiting effect of IL-19 and mda-7 with a soluble IL-20R- α or β , classified in class 514, subclass 2.
- XV. Claims 22 and 25, drawn to a method for inhibiting effect of IL-19 and mda-7 with a mutant of IL-20, classified in class 424, subclass 85.2.

The inventions are distinct, each from the other because:

Invention I is distinct and unrelated to Inventions II-XV, wherein the isolated complex of Invention I can be neither made by nor used in the methods of Inventions II-XV, and wherein each does not require the other.

Although Inventions II-VI are directed to a method for inhibiting effect of IL-22, they are distinct because the active ingredients used in the methods are physically and functionally distinct chemical entities, and thus burdensome and non-coextensive searches are required.

Inventions II-VI are distinct from and unrelated to Inventions VII-XV, wherein Inventions II-VI are directed to a method for inhibiting effect of IL-22, whereas Inventions VII-XV are directed to various methods, which do not require inhibition of IL-22.

Inventions VII-XV are drawn to independent methods, wherein each of the methods has different process steps, different active agents, different starting and ending points, and is for a different purpose, such that they require separate searches.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and/or recognized divergent subject matters, restriction for examination purposes as indicated is proper.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).


Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Advisory Information

Any inquiry concerning this communication should be directed to Dong Jiang whose telephone number is 703-305-1345. The examiner can normally be reached on Monday - Friday from 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, can be reached on (703) 308-6564. The fax phone number for the organization where this application or proceeding is assigned is 703-308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.


CLAIRE KAUFMAN
PATENT EXAMINER

Dong Jiang, Ph.D.
Patent Examiner
AU1646
9/17/02